

REMARKS

The present response is to the Office Action mailed in the above-referenced case on December 18, 2002. Claims 1-5 are pending for examination. The Examiner has objected to claim 2 due to informalities. Claims 1 and 4-5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Kikinis (U.S. 6,421,329), in view of Maxemchuk (U.S. 6,219,346), hereinafter Maxemchuk. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Kikinis (U.S. 6,078,566), in view of Maxemchuk. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Maxemchuk. Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxemchuk as applied to claim 1, and further in view of Pepe (U.S. 5,742,905), hereinafter Pepe.

Applicant has carefully studied the prior art references cited and applied by the Examiner, and the Examiner's rejections and statements in the instant Office Action. Regarding the double patenting rejections of claims 1 and 4-5, applicant herein files with the present response a terminal disclaimer in compliance with 37 CFR 3.73 (b).

In response to the Examiner's objection to claim 2, and merit rejections of claims, applicant herein cancels claim 2, and amends claim 1 to more particularly point out and distinctly claim the subject matter of applicant's invention, distinguishing unarguably over the prior art presented by the Examiner. Applicant further provides argument that neither

reference teaches or suggests all of the limitations as recited in applicant's claims as amended.

Applicant herein amends the language of claim 1 to specifically recite that the client communicator units have an executable personal router application enabling clients to remotely edit routing rules for their own communicator IDs, and to upload the edited rules to the base station or one of the transceivers for programming alternative actions for incoming calls. Applicant's claim 2 is accordingly herein canceled, and claim 3 is herein amended to correct the dependency.

Applicant's claim 1 as amended now recites:

1. (Amended) A data network telephony (DNT) system, comprising:

a base station connected to a DNT-capable data network and to a plurality of wireless transceivers, each transceiver transmitting to a distinct area, the base station adapted to operate the transceivers by a two-way, narrow-band, multiple-channel, real-time duplex radio protocol;

a plurality of portable computer-enhanced client communicator units, including microphone and speaker apparatus, each assigned a unique address and adapted to communicate with the base station via the transceivers by the two-way real-time radio protocol and to process DNT calls; and

a personal router application executable on the base station, transceivers and client communicator units;

characterized in that the wireless system operates as a carrier-sense multiple access system with collision detection (CSMA/CD), and further characterized in that individual clients are enabled, through the personal router application, to remotely edit routing rules for their own

communicator IDs, and to upload the edited rules to the base station or one of the transceivers for programming alternative actions for incoming calls.

The Examiner rejects claims 1 and 4 as being anticipated by Maxemchuk, and rejects claims 2-3 and 5 as being unpatentable over Maxemchuk as applied to claim 1, and further in view of Pepe. The Examiner states that Maxemchuk teaches the data network telephony (DNT) system of applicant's invention comprising all of the limitations of applicant's claim 1, and also teaches a base station maintaining a routing table and updating the routing table as recited in applicant's claim 4, but that Maxemchuk, however, fails to disclose the base station is adapted to interact with the mobile unit in personal routing functions and a personal router application for executing on the base station or transceiver and on the client mobile unit for editing the routing rules for their own mobile unit, and uploading the edited rules to the base station for transceiver for using in routing incoming calls.

The Examiner relies on Pepe for teaching the personal router application of applicant's invention, stating that the PDA of Pepe executes the software for using to edit routing rules and uploading it to a server which has a routing application for executing the routing information and PDA interacts with the server in personal routing functions.

Applicant respectfully disagrees with the Examiner's interpretation of the teachings of Pepe as reading on applicant's personal router application, and argues that Pepe does not teach the personal router application of applicant's claim 1 as amended, and further that the client device of Pepe is clearly not capable of the functionality provided by the personal routing software application executing on the client device of applicant's invention.

Applicant wishes to respectfully point out to the Examiner that, as is clearly described in the abstract of Pepe, and in detail in the subsequent specification, Pepe does not teach programming the routing or other alternative changes for incoming calls, at the client device. Pepe teaches remotely controlling the receipt and delivery of voice and text messages, which may provide real-time control of voice calls while using the client device, wherein the subscribers message receipt and delivery options are maintained in a database which the subscriber may access to update the options program in the database, using the remote device. However, applicant argues that Pepe clearly does not teach the ability to pre-program, at the remote client device, a variety of routing or other alternative call handling changes, without first receiving a call, or being in communication with the base station or transceivers.

The system of Pepe teaches that the subscriber user profile containing subscriber information including call routing information is stored a PCI database, and the subscriber has the ability to provide simple updates to the stored information by communicating first with a PCI server. The specification of Pepe describes (col. 12, line 65 to col. 13, line 34) that when the subscriber wishes to update the subscriber profile using the PDA 30, a communication link is first made between PDA 30 and PCI server 48, and then updates to the subscriber user profile of PCI database 44, are performed in the PCI server 48. It is further described in Pepe (col. 13 line 35 to col. 14, line 13) that the update to the subscriber profile may also be performed using a touchtone telephone. Pepe teaches a PDA having a wireless network interface connected to exchange message routing parameters and an application for communicating with the interface to receive, update, and transmit the message routing parameters, but the routing application for programming the routing changes clearly executes

only on the server, not the client device, as is taught in applicant's invention, and now recited in applicant's base claim as amended. Applicant argues, therefore, that the client device of Pepe, is only capable of affecting routing changes by first connecting to the server, and then, only during communication with the server, can the routing or other changes be made.

The personal router software application of applicant's invention is employed for providing flexibility in routing, and is executable on the hand-held client device providing the user with, among many other capabilities, the ability to remotely program alternative actions for incoming calls, regardless of whether or not the client device is currently communicating with the transceivers or base station, or is receiving a call for which alternative programming is to apply. In addition to programming the re-routing of incoming calls to an alternate destination, the software application of applicant's client device enables the user to program a broad range of other call handling alternatives, including but not limited to automatic answering with pre-recorded messages, call-holding, and many others. The personal router application of applicant's invention provides the user with a significant advantage in that the user may pre-program routing or other changes at the user's convenience, and then connect at a later time to upload the programming changes to the base station or one of the transceivers.

Applicant therefore believes claim 1, as amended, is now clearly and unarguably patentable over Maxemchuk, and Maxemchuk in view of Pepe, as neither reference specifically teaches or suggests that the client communicator units have an executable personal router application enabling clients to remotely edit routing rules for their own communicator IDs, and to upload the edited rules to the base station or one of the transceivers for programming alternative actions for incoming calls. Claims 3-5 are then

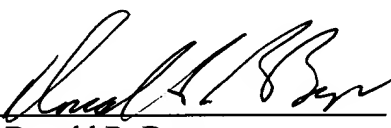
patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the prior art either singly or in combination, applicant respectfully requests that the rejections be withdrawn, and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,

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